

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Lacey Edward Cain,

Plaintiff,

v.

Noah Martin Burruss,

Defendant.

Case No. 2:25-cv-01251-ART-BNW

**SCREENING ORDER AND REPORT
AND RECOMMENDATION**

Presently before the court is pro se plaintiff's amended complaint. ECF No. 14. This Court previously dismissed plaintiff's complaint with leave to amend. ECF No. 3. Given plaintiff's amended complaint suffers from the same problems identified in the original complaint, this Court recommends that his amended complaint be dismissed without leave to amend as amendment would be futile.

I. Analysis

In screening a complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A complaint is frivolous if it contains "claims whose factual contentions are clearly baseless," such as "claims describing fantastic or delusional scenarios." *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only

1 dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of
2 his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.
3 2014) (*quoting Iqbal*, 556 U.S. at 678).

4 Here, plaintiff fails to state a claim upon which relief can be granted. From what the Court
5 can discern, plaintiff’s allegations continue to describe fantastic and delusional scenarios. For
6 example, plaintiff contends several individuals, including Congresswoman Alexandria Ocasio-
7 Cortez, have been following her from Portland, Oregon. In addition, he also alleges these
8 defendants are offering chances to people who look like him to impersonate him. His claims
9 include harassment, stalking, third degree torture, “targeting,” entrapment, and intrusion.

10 Plaintiff fails to state a claim upon which relief can be granted. The Court, therefore, will
11 recommend that plaintiff’s complaint be dismissed without leave to amend as amendment would
12 be futile.

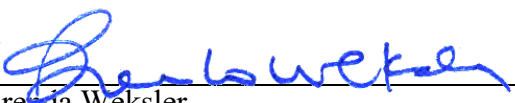
13 II. Conclusion

14 **IT IS RECOMMENDED** that the amended complaint (ECF No. 12) be **DISMISSED**
15 without leave to amend as amendment would be futile.

17 NOTICE

18 This report and recommendation is submitted to the United States district judge assigned
19 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation
20 may file a written objection supported by points and authorities within fourteen days of being
21 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely
22 objection may waive the right to appeal the district court’s order. *Martinez v. Ylst*, 951 F.2d 1153,
23 1157 (9th Cir. 1991).

25 DATED: October 8, 2025

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27 
28 Brenda Weksler
United States Magistrate Judge

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